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REMARKS

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Please reconsider the present application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of the Claims

Claims 1, 2, 4, 5, 7, and 8 are currently pending in this application. Claims 1 and 4 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,947,165 ("Kataoka") in view of U.S. Patent No. 6,469,795 ("Beaudet") and further in view of newly cited U.S. Patent Publication No. 2002/0066989 ("Simpson"). This rejection is respectfully traversed.

Upon careful review of the Examiner's arguments set forth in the present Office Action, Applicant respectfully maintains that the cited references, whether considered separately or in combination, fail to show or suggest at least the limitation that "the copy control means of the printer calculates the capacity of an available storage area required for executing the copy control processing based on the copy condition information contained in the interrupt start command information," as required by independent claim 1. The claimed copy control means makes it possible to implement an interrupt copy efficiently without installing large-capacity memory. Independent claim 1 is therefore patentable over the cited references. Independent claim 4 recites substantially similar limitations, and is, therefore, patentable for at least the same reasons.

It is uncontested that Beaudet is completely silent with respect to the aforementioned limitation and that Kataoka merely discloses determining whether there is a certain percentage (*e.g.,* 50%) or more of vacant memory space *without* calculating "the capacity of an available storage area required for executing the copy control processing based on the copy condition information contained in the interrupt start command information." The Examiner, however, relies on a new reference, *i.e.,* Simpson, as supplying that which Kataoka and Beaudet lack with respect to the aforementioned limitation. Applicant respectfully disagrees for the following reasons.

Applicant respectfully asserts that the only relevant teaching that Simpson adds is determining whether a printer has sufficient memory capacity for a printing job, which, as described below, is clearly insufficient to supply that which the other references lack with respect to the aforementioned limitation. Although the Examiner argues "[i]t would have been obvious . . . to include calculating the memory capacity required for executing the processing operation, such as the one disclosed within Simpson . . . , and incorporate it into the digital multiple function processing machine of Kataoka because it allows the printer to verify that it has the capacity to successfully execute the selected processing operation rather than not knowing and generating potential processing errors as a result," Simpson does not in fact disclose "executing the processing operation" as alleged by the Examiner. Rather, Simpson merely discloses calculating how much memory capacity is required for executing "printer collation" (defined in paragraph [0002] of Simpson as "the process of sorting pages of multiple copies of a document so that the pages of each copy are contiguous and ordered"), which is distinct from the "copy control processing" as recited in independent claims 1 and 4.

Moreover, Simpson is completely silent with respect to interrupt commands. Thus, Simpson necessarily cannot calculate the memory capacity (let alone the memory capacity

required for executing the claimed "copy control processing") "based on the copy condition information contained in the interrupt start command information," as required by independent claims 1 and 4. As such, the combination of Simpson, Kataoka, and Beaudet cannot implement interrupt copies as efficiently as the claimed invention because it does not show or suggest calculating the precise memory capacity based on the interrupt command information. Therefore, Applicant respectfully asserts that Simpson fails to supply that which Kataoka and Beaudet lack with respect to the aforementioned limitation.

Furthermore, the Examiner has not demonstrated how calculating memory capacity required for executing printer collation would establish suggestion or motivation to combine and modify the references to achieve the claimed copy control means. *See* MPEP § 2141 ("The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit."). Thus, Applicant respectfully asserts that combining the teachings of Simpson with those of Kataoka and Beaudet does not support a finding of obviousness under 35 U.S.C. § 103(a).

In view of the above, Kataoka, Beaudet, and Simpson, whether considered separately or in combination, fail to show or suggest all of the limitations of independent claims 1 and 4. Therefore, independent claims 1 and 4 are patentable over Kataoka, Beaudet, and Simpson. By virtue of their dependence, claims 2 and 5 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 7 and 8

            Claims 7 and 8 stand rejected under § 103(a) as being unpatentable over Kataoka in view of Beaudet and Simpson and further in view of U.S. Patent No. 6,449,056 ("Mishima"). This rejection is respectfully traversed.

            As explained above, independent claims 1 and 4 are patentable over Kataoka, Beaudet, and Simpson. Because it is undisputed that Mishima fails to show or suggest that which Kataoka, Beaudet, and Simpson lack with respect to independent claims 1 and 4, claims 7 and 8 are patentable over Mishima, Kataoka, Beaudet, and Simpson at least by virtue of their dependence from independent claims 1 and 4. In addition, as explained below, claims 7 and 8 are patentable over the cited references in their own right.

            In the reply filed October 14, 2009, Applicant demonstrated that dependent claims 7 and 8 are patentable over Kataoka, Beaudet, and Mishima because none of these references shows or suggests at least the limitation that, "when the calculated predicted time exceeds a stipulated time which the user can set, insufficient memory notification information is transmitted, and when the calculated predicted time is equal to or less than the stipulated time and an elapsed time since an execution time of calculating the predicted time matches the predicted time, the copy control processing is executed." Applicant respectfully asserts that Simpson fails to supply that which Kataoka, Beaudet, and Mishima lack with respect to the above limitation because Simpson is completely silent with respect to comparing calculated predicted time to stipulated predicted time in the context of copy control processing. Thus, the combination of Kataoka, Beaudet, Mishima, and Simpson cannot support a finding of obviousness with respect to dependent claims 7 and 8.

            In view of the above, Kataoka, Beaudet, Mishima, and Simpson, whether considered separately or in combination, fail to show or suggest all of the limitations of

dependent claims 7 and 8. Therefore, dependent claims 7 and 8 are patentable over Kataoka, Beaudet, Mishima, and Simpson, whether considered separately or in combination. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/129001).

Dated: March 23, 2010   Respectfully submitted,

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